

House File 397 - Introduced

HOUSE FILE 397

BY R. OLSON and WOLFE

A BILL FOR

- 1 An Act relating to the dissemination of criminal history
- 2 data and expunging records relating to the dismissal of or
- 3 acquittal on a criminal charge.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 692.2, subsection 1, paragraph b,
2 subparagraphs (3) and (4), Code 2011, are amended to read as
3 follows:

4 (3) Criminal history data that does not contain any
5 disposition data after eighteen months from the date of
6 arrest ~~may~~ shall only be disseminated by the department ~~to~~
7 ~~criminal or juvenile justice agencies, to the person who is~~
8 ~~the subject of the criminal history data or the person's~~
9 ~~attorney, or to a person requesting the criminal history data~~
10 ~~with a signed release from the person who is the subject of~~
11 ~~the criminal history data authorizing the requesting person~~
12 ~~access to criminal history data~~ in the same manner as retained
13 criminal history data relating to an acquittal or dismissal is
14 disseminated by the department.

15 (4) Upon receipt of official notification of the successful
16 completion of probation following a deferred judgment, criminal
17 history data regarding the person who successfully completed
18 the probation shall only be disseminated by the department ~~to a~~
19 ~~criminal or juvenile justice agency, to the person who is the~~
20 ~~subject of the criminal history data or the person's attorney,~~
21 ~~or to another person with a signed release from the person who~~
22 ~~is the subject of the criminal history data authorizing the~~
23 ~~requesting person access to the criminal history data~~ in the
24 same manner as retained criminal history data relating to an
25 acquittal or dismissal is disseminated by the department.

26 Sec. 2. NEW SECTION. 901C.1 Expunging records.

27 1. A person arrested or charged with a criminal offense may
28 petition the clerk of the district court, on a form prescribed
29 by the judicial branch, to expunge any records relating to
30 the arrest or the criminal charge if the criminal charge
31 is dismissed or a judgment of acquittal is entered for the
32 criminal offense.

33 2. Upon verification of the dismissal or acquittal, the
34 clerk of the district court shall expunge any records relating
35 to the arrest and the criminal offense and the judicial branch

1 shall remove the records from the Iowa court information
2 system.

3 3. A person is not eligible to have records expunged
4 pursuant to this section unless the person has paid all court
5 costs assessed relating to the records being sought to be
6 expunged.

7 EXPLANATION

8 This bill relates to disseminating criminal history data and
9 expunging arrest records and records relating to a criminal
10 charge.

11 The bill strikes a provision allowing a person who has
12 criminal history data that does not contain any disposition
13 data 18 months after the arrest to authorize access to the
14 criminal history data containing no disposition data. Code
15 section 692.1 defines "disposition data" to mean information
16 pertaining to a recorded court proceeding subsequent and
17 incidental to a public offense arrest and includes dismissal
18 of the charge, suspension, or deferral of sentence. The
19 bill provides that the criminal history data containing no
20 disposition data 18 months after the arrest shall only be
21 released in the same manner as retained criminal history data
22 related to an acquittal or dismissal is released. Code section
23 692.17 governs the retention of criminal history data related
24 to acquittals and dismissals by the department of public
25 safety.

26 The bill strikes a provision allowing a person who has
27 successfully completed a deferred judgment to authorize
28 access to the criminal history data of the person relating to
29 the deferred judgment. The bill provides that the criminal
30 history data related to the successful completion of a deferred
31 judgment shall only be released in the same manner as retained
32 criminal history data related to an acquittal or dismissal
33 is released. Code section 692.17 governs the retention of
34 criminal history data related to acquittals and dismissals by
35 the department of public safety.

1 The bill provides that a person arrested or charged with a
2 criminal offense may petition the clerk of the district court,
3 on a form prescribed by the judicial branch, to expunge any
4 records relating to the arrest or the criminal charge if the
5 criminal charge was dismissed or a judgment of acquittal was
6 entered for the charge. Upon verification that the charge was
7 dismissed or a judgment of acquittal was entered, the clerk of
8 the district court and the judicial branch shall expunge the
9 records relating to the arrest or the charge and remove the
10 expunged records from the Iowa court information system.

11 A person is not eligible to have records expunged by the
12 judicial branch unless the person has paid all court costs
13 assessed relating to the records being sought to be expunged.